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NO. 84-1665

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1984

GORDON CAMPBELL, PETITIONER

v.

WASHINGTON STATE BAR ASSOCIATION,
RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

Robert T. Farrell
505 Madison Street
Seattle, WA 98104
Tel. (206) 622-6026

Counsel for respondent
Washington State Bar
Association

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COUNTERSTATEMENT OF THE CASE

This is Gordon Campbell's fifth petition for writ of certiorari to this Court. In 1968, Campbell was involuntarily transferred to inactive status as an attorney in the State of Washington, by order of the Washington Supreme Court finding him mentally incompetent. See In re Campbell, 74 Wash.2d 276, 444 P.2d 784 (1968). Mr. Campbell's request for review by this Court was denied. Campbell v. Washington State Bar Association, 394 U.S. 323, 89 S.Ct. 1207, 22 L.Ed.2d 310 (1969).

Eleven years later, Mr. Campbell's request for reinstatement was denied by the Bar's Disciplinary Board, since there was no allegation that his mental status had changed. This Court denied certiorari. Campbell v. Disciplinary Board, 444 U.S. 1080, 100 S.Ct. 1032, 62 L.Ed.2d 763 (1980).

Mr. Campbell then filed a complaint in

United States District Court, claiming that the Washington State Bar Association had interfered with his right to obtain recognition for his discovery that the air is alive. The District Court granted the Bar Association's Motion for Summary Judgment. Mr. Campbell appealed that judgment to the Ninth Circuit. Before the circuit court's decision was reached, Mr. Campbell filed his third petition for writ of certiorari with this Court, which was denied. Campbell v. Washington State Bar Association, 454 U.S. 1098, 102 S.Ct. 672, 70 L.Ed.2d 640 (1981).

In 1982, the Ninth Circuit affirmed the District Court's judgment. Mr. Campbell then filed his fourth petition with this Court, raising the same issues. That writ was denied in 1983. Campbell v. Washington State Bar Association, 459 U.S. 1206, 103 S.Ct. 1195, ___ L.Ed.2d ___ (1983).

The present matter followed, when Mr. Campbell filed another action in District Court, seeking a declaratory judgment that an attorney admitted to practice may sue an employer who is "financially qualified" but who rejects his application for employment, under the Fourteenth Amendment to the United States Constitution. For reasons which are unclear, he named the Washington State Bar Association as the defendant.

The District Court granted the Bar Association's Motion to Dismiss, finding that Mr. Campbell had failed to allege a case or controversy between himself and the Bar Association. Mr. Campbell then appealed to the Ninth Circuit, which summarily affirmed the District Court's judgment, finding that Mr. Campbell's contentions were frivolous and that the action was properly dismissed for lack of subject matter jurisdiction. Mr. Campbell then

filed his fifth petition for writ of certiorari with this Court.

ARGUMENT

No important question of federal law has been raised which should be settled by this Court.

Mr. Campbell is asking this Court to address a hypothetical question about whether attorneys have a constitutional right to be employed and whether persons must employ them if they are financially able to do so. As the Bar Association's Counterstatement of the Case indicates, this is not the first time that Mr. Campbell has brought that hypothetical question to the attention of the courts. But courts will not consider abstract or hypothetical questions such as the one raised here. O'Shea v. Littleton, 414 U.S. 495, 94 S.Ct. 669, 39 L.Ed.2d 674 (1974); American Cyanamid v. Ethicon, Inc., 443 F.Supp. 46 (S.D.N.Y. 1977). In

fact, Mr. Campbell's claim that attorneys have a constitutional right to a job is totally frivolous and absolutely without merit.

The other issue raised by Mr. Campbell - that he was denied due process when the Ninth Circuit conference attorney suggested that the Bar Association file a motion for summary affirmance after Mr. Campbell filed his opening brief - is also without merit. It is apparent after reading the order entered in this case by the Ninth Circuit that the three circuit judges who considered Mr. Campbell's case had read the record and considered his complaint to be frivolous and properly dismissed for lack of subject matter jurisdiction.

CONCLUSION

Since Mr. Campbell has failed to raise an important question of federal law which

should be settled by this Court, his petition for certiorari should be denied.

Respectfully submitted,

Robert T. Farrell
505 Madison Street
Seattle, WA 98104
(206) 622-6026